



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
JOINT FORCE HEADQUARTERS
STATE BEHAVIORAL HEALTH SERVICE - CALIFORNIA NATIONAL GUARD
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CAJS-J1-MH

4 June 2012

MEMORANDUM FOR COMMANDERS, CALIFORNIA ARMY NATIONAL GUARD

SUBJECT: Letter of Instruction for Referral of Servicemembers for Behavioral Health Evaluations

1. REFERENCES:

- a. MEDCOM Regulation No. 40-38, "Command Directed Mental Health Evaluation," 1 June 1999.
- b. DoDD 6490.1, "Mental Health Evaluations of Members of the Armed Forces," 1 October 1997.
- c. DoDI 6490.4, "Requirements for Mental Health Evaluations of Members of the Armed Forces," 28 August 1997.
- d. AR 635-200, "Enlisted Personnel," 26 June 1996.
- e. Section 546 of Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," 23 October 1992.
- f. DoD Directive 7050.6, "Military Whistleblower Protection," 12 August 1995.

2. BACKGROUND:

a. Military commanders may order individuals for evaluation of emotional disturbances or for specific actions as part of an administrative or legal action (e.g. IAW AR 635-200, Chapter 5-13, 14, or 15 separations). Commanders are prohibited from referring a Servicemember for a behavioral health evaluation as a reprisal for making or preparing a lawful communication to a Member of Congress, any appropriate authority in the Servicemember's Chain of Command, an Inspector General, or a member of a DoD audit, inspection, investigation, or law enforcement organization.

b. A Command referral is required if the commander desires feedback or information about the evaluation. Information about the Servicemember will not be released to the Command without the completed request. **However, exclusions include concerns about life-threatening ideation, immediate need for hospitalization, violations of the UCMJ, or at the Servicemember's request. Commanders will contact their local law enforcement agency or emergency room in emergent behavioral health cases.**

3. PROCEDURE:

a. Commanders will:

(1) Consult with a military behavioral health provider before referring a Servicemember for an outpatient behavioral health evaluation. Commanders will discuss the need for a referral with the Director, Behavioral Health Service (Joint) at (916) 854-3019. Referrals will be made using the following form:

CNG Commander's Request for Behavioral Health Evaluation

(2) Ensure that a Servicemember is provided written notice of the referral and a copy of the referring memorandum.

- A brief factual description of the behaviors and/or verbal communications that led to the commanding officer's decision to refer the Servicemember for behavioral health evaluation will be provided under NATURE OF THE PROBLEM(S) and PROBLEMS WITH MILITARY PERFORMANCE sections. Complete all other sections as directed.
- The name or names of the behavioral healthcare provider(s) with whom the commanding officer consulted before making the referral. Behavioral health provider is defined as a licensed Clinical Psychologist, Marriage and Family Therapist, Clinical Social Worker, or Psychiatrist. If a consultation with a behavioral healthcare provider was not possible, the memorandum shall state the reason(s) why.
- Notification of the Servicemember's Statement of Rights under Pub. L. No. 102-484 (1992), Section 546 (reference (b)).
- The date, time, and place the behavioral health evaluation is scheduled. Details indicating the location of the evaluation and point of contact information will be provided by the State Surgeon's Office at (916) 854-3237.
- The titles and telephone numbers of other authorities including Staff Judge Advocate, Inspectors General, and Chaplains who can assist the Servicemember who wishes to question the necessity of the referral.
- The name and signature of the commanding officer.

SUBJECT: Letter of Instruction for Referral of Service members for Behavioral Health Evaluations

(3) Have the Servicemember acknowledge that he or she has been advised of both; the reason for the referral for behavioral health evaluation, and of his or her rights by signing the memorandum.

If the Servicemember declines, the commanding officer shall indicate on the memorandum and state the reason(s) for the Service member's refusal to sign the document.

(4) Provide copies of the signed memorandum to the Servicemember and to the behavioral healthcare provider who shall conduct the evaluation of the Servicemember.

(5) Commanding officers shall not offer Servicemembers an opportunity to waive their rights to receive the written memorandum and statement rights as described above.

(6) Inform the Servicemember that transportation to the evaluation will be arranged by their unit, at no expense to the Servicemember, if they are unable to secure transportation.

(7) The State Surgeon's Office will receive the results of the behavioral health evaluation, and the State Surgeon will make a determination for fitness for duty based on the findings provided in the evaluation. The commander initiating the evaluation will be advised of the State Surgeon's decision and any administrative requirements pertaining to the Servicemember's status in the California National Guard. The Servicemember will be advised of the State Surgeon's findings based on the evaluation, along with any requirements for continued service, profile, or separation.

b. Behavioral Health Provider will:

Educate commanders regarding the process of referring Servicemembers for behavioral health evaluations. Assess whether referrals are appropriate. Ensure that the commander follows the above procedures protecting the Servicemembers' rights. Assist in arranging the necessary evaluation through the State Surgeon's Office in a timely manner.

4. Please contact the California National Guard Behavioral Health Office for any further questions or assistance at (916) 854-3019.



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LTC, MS

Director, CNG Behavioral Health Office (Joint)